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**VIA HAND DELIVERY**

April 4, 2008

Hon. Leonard B. Sand  
Daniel Patrick Moynihan United States Courthouse  
United States Courthouse  
500 Pearl St., Room 1650  
New York, NY 10007

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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Re: Structure Probe, Inc. v. EMS Acquisition Corp.  
Civil Action No. 07-3893 (LBS)

Dear Judge Sand:

I write on behalf Structure Probe, Inc. ("SPI") pursuant to the March 5, 2008 endorsed memo (D.I. 24) requiring the parties to inform the Court of the status of settlement negotiations in the absence of a dismissal of the case by April 4, 2008. The parties have made progress towards finalizing a settlement agreement, and SPI has sent EMS Acquisition Corp. ("EMS") a red-lined version of a draft settlement agreement initially proposed by EMS. SPI is hopeful that the parties can finalize papers within 30 days, and therefore, SPI respectfully requests an additional month. If this is acceptable to Your Honor, the parties will either submit papers dismissing the case, or will otherwise inform the Court of the status of their settlement efforts, by May 5, 2008.

Respectfully yours,

KENYON & KENYON LLP

Michael J. Freno

*Acceptable*  
*R Sand* ✓ 50% 4/7/08

cc: Raymond J. Dowd, Esq. (by facsimile and mail)  
David J. Wolfsohn, Esq. (by email)  
Joseph Nicholson, Esq.

**MEMO ENDORSED**